

ORDINANCE NO. 2015-15

Amend Personnel Ordinance HR0461, Military Leave Procedure, to provide employees military leave without loss of pay for up to 10 days

Executive Summary

Ordinance 2011-31, adopted on March 13, 2012, by the Jefferson County Board of Supervisors created the current Military Leave Procedure, section HR0461 of the Personnel Ordinance. The current ordinance gives employees the option to substitute accrued time while on leave; otherwise the leave is unpaid, other than military wages received which may be less than wages earned with the County. The current ordinance does maintain the employees' benefits, including health and dental, for the first 36 months of leave. The employee is required to pay only the employee-share of the contribution for the first 18 months.

It is the recommendation of the Human Resources Committee to update the Personnel Ordinance by amending the Military Leave Procedure to provide employees military leave without loss of pay for up to 10 days or 80 hours, whichever is less. Employees would reserve the right to substitute appropriate accrued pay, including the use of sick time.

WHEREAS, Jefferson County recognizes the personal and professional sacrifices employees in the military must make to serve their country, and

WHEREAS, Jefferson County currently has six employees in the uniformed services who are eligible for Military Leave.

NOW, THEREFORE, BE IT RESOLVED that the Human Resources Committee supports and recommends the amendment of Section HR0461, Military Leave Procedure, to ensure that employees on military leave are not without loss of pay for up to 10 days or 80 hours of training, whichever is less.

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section HR0461, Military Leave Procedure, is amended as follows, creating sections C (1) and C (2) and renumbering remaining sections:

HR0461 MILITARY LEAVE PROCEDURE.

C. Wages

1. Effective January 1, 2016, employees who are required to attend training as members of the uniformed services shall receive up to ten (10) days or eighty (80) hours, whichever is less, of pay per calendar year while attending said training. A county employee who is required to report for military training shall be paid his or her county pay.

excluding overtime, upon submission of employee's leave and earnings statement (LES), less any military pay that the employee receives. If the military pay equals or exceeds the employee's county pay, no payment for salary or wages will be paid to the employee from the County. Allowances received during military training will be excluded from the pay calculation.

2. An employee has the choice to use vacation, holiday, sick, random or compensatory time, but cannot be forced to do so. However, any carryovers into the next calendar year will be limited in accordance with applicable ordinances. If an employee chooses to use accrued time, there is no requirement to submit a leave and earnings statement.
13. Any other Military Leave is unpaid. An employee has the choice to use vacation, holiday, random or compensatory time, but cannot be forced to do so. However, any carryovers into the next calendar year will be limited in accordance with applicable ordinances.
- 2.4. Employees on Military leave will continue to receive any 'across-the board' wage adjustment approved by County Board.
- 3.5. Employees shall receive any step increase they reasonably would have been afforded if they had been actively working.
- 4.6. Upon return from Military Leave, employees shall be promoted to positions that they reasonably would have been promoted to if they had been actively working and based on seniority.

D. Return from Military Leave

1. If employee is gone 1 – 30 days, the employee should report to work the next scheduled workday. Usually 8 hours is given to rest before returning to work.
2. If employee is gone 31 – 180 days, the employee has 14 days to reapply and return to work.
3. If employee is gone 181+ or more days, the employee has 90 days to reapply and return to work.
4. It is not reasonable to assume an employee will necessarily pass a probationary period, as defined in a union contract, without sufficient time to observe the employee's work. Therefore, if an employee is in a probationary period when military leave begins, the remainder of the probationary time period must be completed upon return. [am. 3/13/12, ord. 2011-31]
5. An employee returning from military leave ~~shall~~ has the right to be reemployed in a position according to USERRA

regulations. This may include being promoted, reclassified, demoted, transferred, placed on layoff or terminated if circumstances changed as to make reemployment impossible or unreasonable. [am. 3/13/12, ord. 2011-31]

6. If military leave lasts more than 30 days, Federal law gives employees certain job protection for 6 – 12 months after return.

Section 2. Section HR0680(B), Sick Leave with Pay, is amended as follows:

HR0680 SICK LEAVE WITH PAY

- B. Use for employee: An employee may use sick leave with pay for absences necessitated by the employee's injury, illness, or medical appointments including diagnostic treatment, dental procedures, optician's services, ~~and~~ other medical care performed by a duly licensed practitioner, and military leave as provided under HR0461.

Section 3. This ordinance shall be effective January 1, 2016.

Fiscal Note: Military Leave hours/pay would already be included in the total hours budgeted for each employee, as are accrued benefits such as vacation, sick, etc. Therefore, there is no fiscal impact.

Adopted by the Jefferson County Board of Supervisors this 13th day of October 2015.

s/Jim Schroeder

Jim Schroeder
Chair

ATTEST:

s/Barbara A. Frank

Barbara A. Frank, County Clerk

Published this 16th day of October 2015.

Ayes _28__ Noes__0__ Abstain_____ Absent__1__ Vacant__1__

Ayes: Jones, Kelly, David, Tietz, Braughler, Buchanan, Morris, Wineke, Counsell, Reese, Hartz, Morse, Lund, Nass, Payne, Kutz, Hanneman, Schroeder, Mode, Kannard, Poulson, Jaeckel, Foelker, Patrick, Borland, Schultz, Babcock, Christensen

Absent: Rinard

Vacant: District 24

Requested by
Human Resources Committee

10-13-15

Terri M. Palm: 7-29-15; J. Blair Ward: 7-31-15; Terri Palm: 09-11-15; 10-06-15

REVIEWED: Administrator: bw; Corp. Counsel: jbw; Finance Director: bl